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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,445	12/03/2003	Daniel E. Morken	MAC0005.US	6749

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Todd T. Taylor
TAYLOR & AUST, P.C.
142 S. Main St.
P.O. Box 560
Avilla, IN 46710

EXAMINER

PARSLEY, DAVID J

ART UNIT PAPER NUMBER

3643

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,445

Applicant(s)

MORKEN, DANIEL E.

Examiner

David J Parsley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Amendment

1. This office action is in response to applicant's amendment dated 6-29-04 and this action is final.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation of a flotation body with an open unfilled cavity in claims 1, 8 and 18 is not disclosed in applicant's disclosure. As seen in applicant's drawing figures 1-3, the cavity – at 18 is filled with tube – 24.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to if the tube is claimed to extend substantially through or entirely through the cavity. Further, the phrase “one of” makes the claim difficult to understand being in the context as claimed.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to how the tube can project substantially through and entirely through the cavity in that projecting substantially through implies that the tube is close to projecting entirely through but may not project entirely through.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 7-8, 10-13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,847,792 to Kuhlmann and U.S. Patent No. 4,359,836 to Yuji.

Referring to claim 1, Kuhlmann and Yuji disclose a fishing bobber comprising, a flotation body – at 10-12 of Kuhlmann and – at 1 of Yuji, with an open unfilled cavity therein – see figure 2 of Kuhlmann and figure 2 of Yuji, and a tube – at 16-17 of Kuhlmann and – at 4 of Yuji, at least partially projecting into the cavity – see for example figure 2 of Kuhlmann and figure 2 of Yuji.

Referring to claims 3 and 10, Kuhlmann and Yuji disclose the tube includes an opening extending through the flotation body – see – at 16-17 of Kuhlmann and – at 3-4 of Yuji.

Referring to claims 4 and 12, Kuhlmann and Yuji disclose the tube projects substantially through the cavity and projects entirely through the cavity – see for example – at 16-17 of Kuhlmann and – at 3-4 of Yuji.

Referring to claims 5 and 13, Kuhlmann and Yuji disclose the cavity has a cylindrical form – see for example figure 2 of Kuhlmann and figures 1-2 of Yuji.

Referring to claims 7 and 15, Kuhlmann and Yuji disclose the flotation body is substantially spherical – see for example at – 10-12 of Kuhlmann and – at 1 of Yuji.

Referring to claim 16, Kuhlmann and Yuji disclose a line stop – at 21 and/or 22 and/or 31 of Kuhlmann and – at 10 or 11 or 6-7 of Yuji, compressed on the fishing line – see for example figures 1-2 of Kuhlmann and figures 1-2 of Yuji.

Referring to claim 17, Kuhlmann and Yuji disclose the fishing hook – at 26 of Kuhlmann and – at 9 of Yuji, includes an eye and a shank – see figure 1 of Kuhlmann and figure 1 of Yuji, the opening being large enough to accommodate an entry of the eye and the shank thereinto – see for example figures 1-2 of Kuhlmann and figures 1-2 of Yuji where the openings are shown having diameters greater than the dimensions of the eye and shank.

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Referring to claim 8, Kuhlmann and Yuji disclose a fishing system comprising, a fishing line – at 20 and at the snell proximate hook 26 of Kuhlmann and – at 5 and the snell proximate hook 9 of Yuji, a fishing hook – at 26 of Kuhlmann and – at 9 of Yuji, and a safety bobber – at 10-12 of Kuhlmann and – at 1 of Yuji, through which the line traverses, the safety bobber including a flotation body – at 10-12 of Kuhlmann and – at 1 of Yuji, with an open unfilled cavity therein and a tube – at 16-17 of Kuhlmann and – at 4 of Yuji, at least partially projecting into the cavity – see for example figure 2 of Kuhlmann and figures 1-2 of Yuji.

Referring to claim 11, Kuhlmann and Yuji disclose the fishing line traverses through the opening – see for example at 20 in figures 1-2 of Kuhlmann and – at 5 in figures 1-2 of Yuji.

Claims 2, 6, 9 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuhlmann.

Referring to claims 2 and 9, Kuhlmann discloses the tube – at 16-17, is integral with the flotation body – at 10-12 – see for example column 2 lines 7-12.

Referring to claims 6 and 14, Kuhlmann discloses a diameter of the cavity is larger than a depth of the cavity – see for example proximate 27-29 in figure 2.

Claims 8 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,645,051 to Stofleth.

Referring to claim 8, Stofleth discloses a fishing system comprising, a fishing line – at 12, a fishing hook – at 34-36, secured to the fishing line – see figures 2-4, and a safety bobber – at 18, 21, through which the fishing line traverses, the safety bobber including, a flotation body – at 21, with an open unfilled cavity therein – see figures 2-4, and a tube – at 20, 22, 24, at least partially projecting into the cavity – see for example figures 2-4.

Referring to claim 17, Stofleth discloses the fishing hook includes an eye and a shank – see for example figures 2-4, the opening being large enough to accommodate entry of the eye and the shank thereinto – see for example figure 4.

Claims 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Stofleth, Kuhlmann or Yuji.

Referring to claim 18, Stofleth, Kuhlmann and Yuji disclose a method of preparing fishing tackle, comprising the steps of providing a fishing bobber – at 18, 21 of Stofleth – at 10-12 of Kuhlmann and – at 1 of Yuji, having a flotation body – at 21 of Stofleth – at 10-12 of Kuhlmann and – at 1 of Yuji, having an open unfilled cavity therein – see figures 2-4 of Stofleth figure 2 of Kuhlmann and figures 1-2 of Yuji, and a tube – at 20-24 of Stofleth – at 16-17 of Kuhlmann and – at 4 of Yuji, at least partially projecting into the cavity, threading a fishing line – at 12 of Stofleth – at 20 of Kuhlmann and – at 5 of Yuji, through the tube and securing the fishing line to a fishing hook – at 34-36 of Stofleth – at 26 of Kuhlmann and – at 9 of Yuji – see for example figures 1-4 of Stofleth, figures 1-2 of Kuhlmann and figures 1-2 of Yuji.

Referring to claim 19, Stofleth, Kuhlmann and Yuji disclose the step of compressing a line stop – at 16 of Stofleth – at 21 and/or 22 and/or 31 of Kuhlmann and – at 10 and/or 11 and/or 6-7 of Yuji, onto the fishing line – see for example figures 2-4 of Stofleth, figures 1-2 of Kuhlmann and figures 1-2 of Yuji.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Stofleth. Stofleth discloses the step of sliding the fishing line until the fishing hook is at least partially in the tube – see for example figures 2-4.

Response to Arguments

5. Regarding the 35 U.S.C. 112 2nd paragraph rejections to claims 4 and 12, the claims state that the tube projects substantially through the cavity and projects entirely through the cavity. The term “and” implying that the tube does both which makes the claims indefinite in that it is unclear to what is being claimed with relation to the tube.

Regarding the 35 U.S.C. 102(b) rejections to claims 1, 8 and 18, the Kuhlmann reference US 2847792 and the Yuji reference US 4359836, both disclose applicant’s claimed invention in that the cavity – at 15,28 of Kuhlmann and – between items 3 of Yuji, is open and unfilled as seen in figure 2 of Kuhlmann where the cavity is open on both ends when keeper – 30 is not located inside the cavity as seen in the dotted lines of figure 2, and the cavity is unfilled in that it is not completely filled as seen in applicant’s drawing figures 1-3. Further, the Yuji reference discloses the cavity is open as seen proximate items 3 in figure 2 and is unfilled in that the cavity is not completely filled as seen in figure 2. In reading the claimed invention in light of applicant’s disclosure the cavity – at 18 is partially filled with the tube – 24 and fishing line – at 14 and therefore it is the examiner’s position that the Kuhlmann and Yuji references both disclose an open unfilled cavity as disclosed by applicant in applicant’s drawing figures 1-3.

Further, regarding the 35 U.S.C. 102(b) rejection of claims 8 and 18 the Stofleth reference US 2645051 discloses a cavity – the bore proximate 20, with a tube – at 20 extending at least partially into the cavity as seen in figures 2-4. Further, Stofleth discloses the cavity is unfilled in that the cavity is not completely filled as seen in figures 2-4 and thus meets applicant’s definition of unfilled when taken in light of applicant’s specification as seen in

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applicant's drawing figures 1-3 which show the cavity partially filled with the tube and fishing line.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

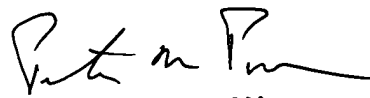
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J Parsley whose telephone number is (703) 306-0552. The examiner can normally be reached on 9hr compressed.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Parsley
Patent Examiner
Art Unit 3643


PETER M. POON
SUPERVISORY PATENT EXAMINER
8/27/04